

improving living in scotland



WRITTEN EVIDENCE OF THE INDEPENDENT REVIEW OF PLANNING

HOMES FOR SCOTLAND RESPONSE

NOVEMBER 2015

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SUMMARY (See Appendix 1 for definition of Acronyms)

Development Planning:

- Housing delivery prioritised in NPF
- Growth targets for City Regions in NPF
- SDPs replaced with Regional Strategic Infrastructure Plans
- Standard methodology to determine an effective housing land supply
- Housing numbers will be agreed and signed off early in LDP process
- LDPs become spatial interpretation of Council's corporate plan
- Streamlined development plan process

Housing Delivery

- Action Programmes mandatory –project management tool
- New Housing Community Fund to integrate new and existing communities

Planning for Infrastructure

- Standard methodology to calculate education requirements
- Strategic Infrastructure developer contributions
- Costs shared with Councils using TIF model
- External delivery agency provides public services

Development Management

- Increased planning fees, ring-fenced to pay for service provided
- Fast-tracked, efficient service in return for increased fees
- Pre-application consultation charged in return for certainty
- Processing agreements mandatory with phased payments of fees
- Multi-disciplinary project teams created to determine combined applications
- Section 75s will use standard templates but planning conditions will be preferred

Leadership, Resources and Skills

- Heads of Planning helping to shape corporate plan
- Refreshed KPIs
- Planning graduates work in public and private sector as part of APC

Community Engagement

- Community Councils statutory consultees for LDPs, not applications
- Funded to engage wider community
- Linked to Community Planning Partnerships
- Mediation/arbitration service provided

Introduction

HFS welcomes this review of the planning system, Rather than set out a list of asks, we have set out to illustrate how the future could look, if our suggestions come to fruition. We support this government's ambition to deliver 50,000 affordable homes over the lifetime of the next parliament, but we must recognise that this is only part of the picture. Private sector house building both delivers a significant number of affordable homes through planning obligations, but also provides mobility within the housing market, freeing up stock for new entrants. This symbiotic relationship between affordable and private sector delivery must be acknowledged and supported. If government is to achieve its ambition, the planning system must function effectively to deliver homes of all tenures. In setting out this vision, we recognise that planning is only one part of the process: the panel must consider the wider requirement for all stakeholders to create the conditions necessary to deliver significant volumes in order to meet our housing needs.

We must start from a place where there is a presumption in favour of sustainable development. What could a planning system that supports this assumption look like?

Development Planning

The next NPF will clearly demonstrate the priority that government places on the delivery of new homes. A strong message, with indicative national targets, will demonstrate that government is committed to substantially more homes of all tenures.

The next NPF will set out growth targets for City Regions. The population and workforce growth will be clustered around places of major employment: mainly the cities. The NPF will set out how more rural areas will plan for housing in order to support SME developers and existing populations and employers.

SDPs will be replaced by Regional Strategic Infrastructure Plans (RSIP), identifying the infrastructure provision required to deliver housing allocations set out in the LDPs. All key agencies and private utility companies will be required to be committed to the implementation of these plans.

LDPs will calculate effective housing land supply using standard methodology, and numbers will be agreed and ratified early in the process. This will allow the LDP to become the spatial interpretation of a Council's corporate plan, and will be aligned to the RSIPs as well as contextualising the outcomes of the Community Planning Partnership. The LDP will be the vehicle for public engagement to ensure that community interests are represented from the start. The overall vision of the Council will be articulated through the plan, and will set out the corporate 10 – 15 year ambition of the Local Authority.

The system of Main Issues Reports, Proposed Plans and Examinations will be streamlined, creating a more efficient process. The pre-plan process will become the main point for community and developer consultation. A draft LDP will be created thereafter which will be consulted on further, prior to submission to the DPEA. 20% generosity of housing numbers will be a statutory minimum to ensure sufficient homes are built, with a second tier of additional sites with supporting technical information submitted to provide the DPEA the opportunity to allocate additional or alternative sites, if they do not believe the plan maintains an effective 5 year housing land supply over its lifetime.

This streamlined approach will take no more than 2 years to complete for a 5 year plan period, making the system proportionate, simple and efficient. Any Supplementary Guidance must be produced in tandem with the draft plan, and should only be used as an exception to policy developments in the LDP.

For those local authorities who do not take the pro-active approach, and do not deliver a continuous 5 year effective land supply, then planning applications for housing developments will be sent directly to the DPEA or Planning Minister for determination.

Housing Delivery

Action Programmes will be mandatory and used as a project management tool to ensure that LDPs deliver their objectives in line with programmes.

Funds will be made available in the form of a New Housing Community Fund (paid from an element of the LBTT generated by each new build house sale), which will be used by local community trusts to enhance their local environment, to integrate and welcome new residents into existing communities.

Planning for Infrastructure

Standard methodology will be used to calculate education requirements for new development, and costs will be transparent and nationally set. Strategic infrastructure developer contributions will be standard, and an external organisation will be responsible for delivering schools, roads and other infrastructure necessary to create new places. They will be partly funded by a developer 'roof tax', and partly funded by Local Authorities using a TIF style model, using council tax receipts, to pay back long term loans.

Development Management

There will be an increase in application fees, which will be ring-fenced to pay for the service provided, in return for a fast tracked and efficient service. Pre-application consultation will be chargeable, with developers able to rely on the outcomes of these meetings. All departments involved in an application will provide guidance at pre-application stage, and will only be able to alter this if the application submitted varies greatly from the pre-application discussions. Processing agreements will be mandatory for major applications, and planning fees will be paid in phases, at pre-agreed milestones, encouraging greater efficiency.

Planning officers will work in project teams with colleagues from other departments to ensure that developments allocated within LDPs are delivered within the lifetime of the Plan. Key agencies delivering necessary infrastructure such as water and electricity will be involved early, and all developer contributions will be clearly set out within development plans. Section 75s will be reformed, principled and consistently applied but also used sparingly, and will tie in with Action Programmes. Standard templates will be used with enforceable planning conditions the preferred method of regulation.

Single combined consents, incorporating planning, building warrants and RCC (Stage 1) will be a standard option. Combined fees will be ring fenced and there will be a greater use of self certification of technical reports. A housing delivery team, comprising planners, housing, landscape, education and roads staff will collaborate with developers to deliver the requirements of the LDP and Action Programme. Allocations for housing within LDPs will

have the same status as Planning Permission in Principle. This will enable a relaxation in political engagement at the detailed planning application stage and enable wider schemes of delegation to be introduced by Councils. Plans will have to produce Development Briefs and Design Guides to inform detailed applications. Major sites can be progressed in phases with a separate masterplan approval from Council providing the context for each detailed application. Flexibility for remixing housetypes within original consents will be provided.

Leadership, resourcing and skills

Heads of Planning will help shape the corporate plan of Local Authorities, with housing delivery recognised as a key driver in the sustainable economic growth of an area. Elected members will be involved primarily at the LDP stage where the principles of land use are established. They will be less involved at the detailed application stage, unless an application is contrary to the LDP. Planning officers will have greater delegated powers, with community involvement being frontloaded to the LDP stage. Brownfield windfall sites outwith the LDP allocations will be fast tracked and treated like major applications recognising their sustainable credentials.

Local authorities will have new KPIs. They will be measured on how many applications are granted consent; how many homes are delivered as a result; how long decisions take and how many appeals are overturned by DPEA.

The enforcement teams of Local Planning Authorities will charge significantly higher fees for breaching conditions of consents, generating income for the authority, whilst sending out strong messages to rogue developers.

All planning graduates will spend time in both private and public sector environments as part of their APC. Industry and local authorities will embrace secondments and exchanges to improve the culture and mutual understanding within the next generation of planners, regardless of sector.

Community Engagement

Community Councils will be statutory consultees for development planning rather than development management. They will be provided with sufficient funds to engage with the wider community – schools, nurseries, colleges, local businesses, etc., leafleting and raising awareness to all residents so that the community's views are representative and well-articulated. Community Councils will be the conduit of the opinions of the community within which they serve. There will be close links to Community Planning Partnerships, so that the outcomes are connected.

This will help local communities to engage more effectively throughout the process, and the 'third party rights of appeal' debate will no longer be an issue. A mediation /arbitration service will be provided for communities/developers led by the DPEA.

Conclusion

If Scottish ministers implemented the radical changes outlined above, the home building industry would have the confidence and certainty to return to pre-recession levels of home building in Scotland.

Appendix 1

Acronyms

APC: Assessment of Professional Competence

DPEA: Directorate of Planning and Environmental Appeals

HFS: Homes for Scotland

KPI: Key Performance Indicators

LBTT: Land and Buildings Transaction Tax

LDP: Local Development Plan

NPF: National Planning Framework

RCC: Roads Construction Consent

SDP: Strategic Development Plan

SME: Small and Medium-sized Enterprise

TIF: Tax Incremental Funding